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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,125	10/04/1999	GLEN A. BOUCHER	E-909	7876

7590

01/13/2003

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EXAMINER

CHARLES, DEBRA F

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/411,125

Applicant(s)

BOUCHER ET AL.

Examiner

Debra F. Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claims 1-20 have been reviewed.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The specification amendments submitted 28 October 2002 are acknowledged and accepted.

### ***Response to Arguments***

2. Applicant's arguments filed 28 October 2002 have been fully considered but they are not persuasive.

As per the Service Column Index Value, the Attorney indicates Regarding claim 1, step d), Thiel was cited at Abstract, Figures 1 a, 1 b, 1 c and 1 d, Col. 28 lines 65-67, and col. 29, lines 1-5). Step d) includes "determining a service column index value." The specification discusses the service column index value in numerous places, including at page 16, line 28 to page 17, line 12 reproduced as follows:

Next the service level for the specified destination area is determined by reading the corresponding value in the Destination Map. This is the service level which the carrier can provide for that destination regardless of the origin of the package. If the service level varies for that carrier depending upon the origin of the package, then additional destination maps are used with an origin map 32 (see Figure 5A) then being used to determine which destination map to use. Next the service column index value is determined based upon the desired service as that desired service is presented in the TokenID field 41 (see Figure 5B).

The service column is shown in step 164.

The service column then points to the particular service column within the delivery commitment matrix 44 while the service level determined from the destination map determines which row of the delivery commitment matrix to use.

The intersection of these two defines a particular delivery commitment matrix cell such as cell 50' which is then used to retrieve the delivery commitment matrix for that particular delivery. See step 168.

Applicants have reviewed the Office Action and citations to Thiel with respect to clause d) of claim 1. The Abstract does not provide any teaching, suggestion or motivation for Applicants' "service column index." Nor is there any teaching, suggestion or motivation

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of the "service column index" in Figures 1a-1d. Further, the citation to column 28, lines 65-67 through column 29, lines 1-5 states:

The Examiner indicates the index value creation and use are common to database technology. In Thiel at col. 29, lines 1-5, i.e. "automatic communication with the data center dc, for example via modem, and in order to implement a corresponding data transmission for the updating the database as needed." And in Manduley et al. on col. 4, lines 28-36, i.e. "Completing the software architecture of device, as portrayed in FIG. 2, is a data base manager program, represented by block. Database manager may be one of a number of commercially available database management packages and is accessed by accounting program, addressing program and manifesting program for the purpose of performing some of their functions, such as storing transaction data, generating reports, or accessing an address data base." Commercially available database management packages include index creation functions that permit the database manager to create unique indexes based on specific columns and rows of data in various tables at various levels of the database.

Therefore, it would have been obvious to one of ordinary skill in the art to employ an indexing feature to get the benefit retrieving the delivery commitment matrix for that particular delivery.

Since Claims 3, 9, 13 and 18 depend on claims 1, 7, 11 and 17 which all mention the index value. Claims 3, 9, 13 and 18 remain rejected along with claims 1, 7, 11 and 17.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3, 7, 9, 11, 13, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiel (US 6035291).

As per claims 1, 7,11 and 17. Thiel discloses a method for determining carrier specific commitment data for the shipment of a package from an origin to a destination by a carrier, comprising the steps of:

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- (a) determining the destination area for the package based upon its intended destination,
- (b) determining the service level supported by the carrier for the destination area,
- (c) determining a desired class of service for a package with respect to its delivery by the carrier,
- (d) based upon the determined class of service for the package, determining a service column index value(Thiel, Abstract, Fig. 1a, 1b, 1c and 1d, Col. 28, Lines 65-67, Col. 29, Lines 1-5)
- (e) based upon the service level supported by the carrier for the destination area and the class of service desired, locating a cell in a delivery commitment matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and
- (f) reading said delivery commitment information for the specified cell(Thiel, Abstract, Col. 4, Lines 35-67, Col. 5, Lines 1-67, Col. 7, Lines 1-25, Col. 9, Lines 40-55, Col. 10, Lines 1-67, Col. 14, Lines 40-50, Col. 15, Lines 15-45, Col. 17, Lines 25-67, Col. 18, Lines 1-40, Col. 29, Lines 55-67, Col. 44, Lines 55-67, Col. 46, Lines 59-67).

Official notice is taken that it is old and well known in the computer art to get the advantage of saving costs while ensuring quality service by using carrier information such as destination area, class of service, service level, delivery commitment information to determine the selected carrier. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include carrier information to get this advantage.

As per claims 3, 9, 13 and 19. Thiel disclose the method of claims 1, 7 and 11 wherein said delivery commitment information is verified relative to a real time clock(Thiel, Abstract, Col. 20, Lines 30-55); and, if said verified delivery commitment information is at a time later than a pre-determined cut-off time, then posting a notification of said later time and determining whether or not said selected carrier and/or said selected service is to be maintained or whether an alternative carrier and/or alternative service is to be selected(Thiel, Abstract, Col. 24, Lines 10-50, Col. 26, Lines 25-32, Col. 29, Lines 55-67, Col. 32, Lines 40-50).

3. Claims 2,4,5,6,8,10,12 ,14,15,16,18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiel as applied to claims 1,7,11 and 17 above in view of Manduley et al. (US 5778348).

As per claims 2 and 12. Thiel discloses a method for determining carrier specific commitment data as defined in claims 1,7,11 and 17.

Thiel fails to disclose wherein the service column index values and class of services are maintained in a token map.

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Manduley et al. disclose the service column index values and class of services are maintained in a token map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Thiel to the service column index values and class of services are maintained in a token map as taught by Manduley et al. to save costs while ensuring quality service by using carrier information.

As per claims 4, 8 and 14. Thiel discloses a method for determining carrier specific commitment data as defined in claims 2, 7 and 12.

Thiel fails to disclose wherein service levels supported by a carrier are maintained in a destination map, wherein for each destination area supported by the carrier information is stored in a location of the destination map related to the service level supported by the carrier for that destination area.

Manduley et al. disclose wherein service levels supported by a carrier are maintained in a destination map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50), wherein for each destination area supported by the carrier information is stored in a location of the destination map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50) related to the service level supported by the carrier for that destination area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Thiel to include the service levels supported by a carrier are maintained in a destination map, wherein for each destination area supported by the carrier information is stored in a location of the destination map related to the service level supported by the carrier for that destination area as taught by Manduley et al. to save costs while ensuring quality service by using carrier information.

As per claims 5, 6,15 and 16. Thiel and Manduley et al. disclose claims 4 and 14. Thiel further disclose a location for each postal ZIP code(Thiel, Abstract, Col. 22, Lines 59-65, Col. 26, Lines 25-32) and wherein a code is stored in each such location.

Thiel fails to disclose the destination map.

Manduley et al. disclose the destination map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Thiel to include the the destination map as taught by Manduley et al. to save costs while ensuring quality service by using carrier

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information and a destination map to identify where the carrier does and does not deliver.

As per claims 10, 18 and 20. Thiel disclose a method for determining carrier specific commitment data as defined in claims 8 and 17, further wherein the carrier supports origin dependent delivery commitment information and wherein a separate destination map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50) is provided for each origin dependent delivery commitment for that carrier, wherein each delivery map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50) has assigned a code related to the service level supported by that carrier for each destination area supported by that carrier, and further comprising the step of determining the origin area of the package based upon its origin and determining the code associated with that origin area representing the origin dependent delivery commitment for that carrier for that origin and using this information to access a corresponding destination map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50) associated with the value in the origin area for determining the service level supported by the carrier for the destination area based upon the origin area(Thiel, Abstract, Col. 4, Lines 35-67, Col. 5, Lines 1-67, Col. 7, Lines 1-25, Col. 9, Lines 40-55, Col. 10, Lines 1-67, Col. 14, Lines 40-50, Col. 15, Lines 15-45, Col. 17, Lines 25-67, Col. 18, Lines 1-40, Col. 29, Lines 55-67, Col. 44, Lines 55-67, Col. 46, Lines 59-67).

Thiel fails to disclose the destination map.

Manduley et al. disclose the destination map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines 1-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Thiel to include the destination map as taught by Manduley et al. to save costs while ensuring quality service by using carrier information and a destination map to identify where the carrier does and does not deliver.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

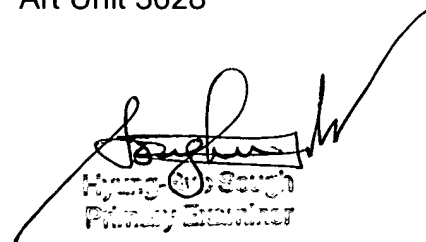
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Debra F. Charles  
Examiner  
Art Unit 3628

dfc  
January 9, 2003

  
Hyung Sough  
Primary Examiner